REMARKS

Claims 1-3 are pending in this application. For purposes of expedition, claims 1-3 have been amended in several particulars for purposes of clarity and brevity that are unrelated to patentability and prior art rejections, in accordance with current Office policy, to further define Applicants' disclosed invention and to assist the Examiner to expedite compact prosecution of the instant application.

The IDS filed on January 19, 2001 has not been considered because the Examiner asserts that the IDS does not include a concise explanation of the relevance. However, the Examiner's assertion is incorrect. The IDS filed on January 19, 2001 makes reference to JP-B01-32618 entitled "WIRING BREAKER", an example conventional circuit breaker that has been cited in Applicants' specification, and a concise explanation of its relevancy has been provided on pages 1-2 of Applicants' specification. As a result, there is no need to include a concise explanation of the relevance in the IDS, and the Examiner has in fact considered the reference. Nevertheless, for purposes of completeness, entry of the IDS filed on January 19, 2001 is respectfully requested.

The drawings have been objected to because Figure 3B fails to show element #40, and also contains element #41 not described in the specification. In response thereto, the specification has been reviewed and revised where appropriate to overcome this objection. In Figure 3B, all elements of the disengaging device are correctly labeled. However, the specification makes an incorrect reference to element #40 where that reference should have been correctly made as element 41. As a result, the specification has been amended to correctly refer to the elements shown in Figure 3B. Therefore, withdrawal of this objection is respectfully requested.

A substitute specification has been required in compliance with 37 C.F.R. §1.52(a) & (b). In response thereto, a substitute specification is hereby submitted for the Examiner's consideration. Applicants state that no new matter has been added or introduced in the substitute specification. Accordingly, entry is respectfully requested.

Claims 1-3 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Specifically, the Examiner asserts that the limitation "yoke of said coil which serves as a support base" in base claim 1 lacks sufficient structure. In response thereto, base claim 1 has been amended to overcome this rejection. In addition, base claim 1 and its dependent claims 2-3 have been amended to correct several instances of ambiguities. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 1-3 have been rejected under 35 U.S.C. §103 as being unpatentable over Fujii et al., U.S. Patent No. 4,595,895 for reasons stated on page 4 of the Office Action (Paper No. 3). This rejection is respectfully traversed, however. Applicants respectfully submit that features of the present invention are not taught or suggested by Fuji '895, whether taken individually or in combination with any other references of record. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw this rejection for the following reasons.

Base claim 1 has been amended to further define "a trip lever of a disengaging device" being "mounted on a yoke of said coil" (and **not** mounted on a fixed frame of the opening/closing mechanism 8 as shown in FIGs. 1-5) and "separated from a fixed frame" as described on page 3, lines 3-7; and page 5, line 37 extending to page 6, line 13 of Applicants' original specification, also see FIGs. 1-2.

According to Applicants' claimed "circuit breaker", the trip lever 23 is mounted on the yoke 30 of the coil 32 in the disengaging device 9 (not mounted on the fixed frame of the opening/closing mechanism 8) so as to enable the trip lever 23 in the disengaging device 9, as shown in FIGs. 1-5, to be separated from the fixed frame 13 of the opening/closing mechanism 8. Since the trip lever is mounted on the yoke 30 of the coils in the disengaging device side, and the shock caused at the opening/closing mechanism side in ON-OFF operations is transmitted through the case 10. As a result, mistrip, typically occurred when the moving contact is brought into contact with the fixed contact, can be prevented as described in Applicants' original specification.

In contrast to Applicants' claims 1-3, Fujii '895 discloses a conventional circuit breaker as shown in FIG. 4 in which a rod is moved by winding a coil on a plunger. Fujii '895 does not disclose a structure in which a trip lever is being separated from the opening/closing mechanism, in order to prevent occurrence of mistrip as described by Applicants' original specification.

The law under 35 U.S.C. §103 is well settled that "obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching, suggestion or incentive supporting the combination." ACS Hospital System, Inc v. Montefiore Hospital, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). The Examiner must point to something in the prior art that suggests in some way a modification of a particular reference or a combination of references in order to arrive at Applicants' claimed invention. Absent such a showing, the Examiner has improperly used Applicants' disclosure as an instruction book on how to reconstruct to the prior art to arrive at Applicants' claimed invention.

In the present situation, Fujii '895 fails to disclose and suggest all the features of Applicants' claims 1-3. Therefore, Applicants respectfully request that the rejection of claims 1-3 be withdrawn.

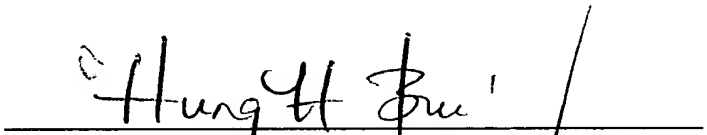
In view of the foregoing amendments, arguments and remarks, all claims are deemed to be allowable and this application is believed to be in condition to be passed to issue. Should any questions remain unresolved, the Examiner is requested to telephone Applicants' attorney at the Washington DC area office at (703) 312-6600.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "**Version with markings to show changes made.**"

Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (500.39462X00), and please credit any excess fees to such deposit account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP



Hung H. Bui (Reg. No. 40,415)
Attorney for Applicants

HHB/dlt

1300 North Seventeenth Street, Suite 1800
Arlington, Virginia 22209
Tel.: (703) 312-6600
Fax: (703) 312-6666

ATTACHMENT

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Please **amend** claims 1-3, as follows:

1. (Amended) A circuit breaker comprising:

a main circuit formed by a power source-side terminal member, a fixed contact connected to said terminal member, a moving contact disposed in opposed relation to said fixed contact, a moving contact support member having said moving contact held on one end thereof, a coil operatively connected to said moving contact, and a load-side terminal member connected to said coil; ~~and~~

a~~a~~n opening/closing mechanism ~~portion~~ including a toggle mechanism for operating to rotate ~~rotating~~ said moving contact support member so as to bring said moving contact into and out of contact with said fixed contact~~,~~; ~~said mechanism portion having a link mechanism for operating to bring said moving contact into and out of contact with said fixed contact by an operating handle for manually operating the mechanism portion, said link mechanism for being triggered~~ when an ~~excessive~~excess current flows through said coil, ~~thereby bringing said moving contact out of contact with said fixed contact through said mechanism portion,~~ and ~~means for effecting a triggering operation when the excess current flows through said coil, said means~~a fixed frame ~~being~~ provided on a yoke of said coil ~~which serves~~ to serve as a support base; and

a trip lever of a disengaging device, mounted on the yoke of the coil in the disengaging device, and being separated from said fixed frame of the opening/closing mechanism.

2. (Amended) A circuit breaker according to claim 1, ~~in which a~~wherein said fixed frame, serving as a support base for said ~~link~~toggle mechanism, and said yoke are held ~~on a casing~~by a case, and are disposed at different positions, respectively, such that an impact force, generated when said moving contact is in contact with said fixed contact by said toggle mechanism, is transmitted through the case to prevent occurrence of a mistrip ~~thereby determining the relative position of said link mechanism and said means for effecting the triggering operation when the excess current flows through said coil~~.

3. (Amended) A circuit breaker according to claim 2, in which said fixed frame is supported at two portions thereof on said ~~casing~~case.